



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

June 4, 2015

Scott Mellen, President and CEO
WTE Recycling, Inc.
7 Alfred Circle
Bedford, MA 01730

Re: **Clean Air Act Reporting Requirement** for WTE Recycling, Inc., Greenfield,
MA

Dear Mr. Mellen:

The United States Environmental Protection Agency ("EPA") is evaluating whether WTE Recycling, Inc. ("WTE Recycling" or "the Facility") is in compliance with the Clean Air Act ("CAA" or "Act") and requirements promulgated under the Act at its Facility located at 75 Southern Avenue in Greenfield, Massachusetts. These CAA requirements include: the National Emission Standards for Hazardous Air Pollutants found at 40 CFR Part 63; the Standards of Performance for New Stationary Sources found at 40 CFR Part 60; Stratospheric Ozone Protection Regulations found at 40 CFR Part 82, Subpart F; and the Massachusetts federally enforceable state implementation plan.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations.

EPA is evaluating emissions of volatile organic compounds (VOCs), particulate matter (PM), carbon monoxide (CO), and hazardous air pollutants (HAPs) from the shredding and processing of scrap metal. As a result, Part I of this reporting requirement asks a number of questions related to the shredding and processing of scrap metal at WTE Recycling.

In addition, EPA is evaluating the handling of regulated refrigerants (ozone-depleting substances) at scrap metal yards. As a result, Part II of this reporting requirement asks a number of questions about the handling of refrigerant from white goods and motor vehicles at WTE Recycling.

Reporting Requirement

WTE Recycling is required to provide all of the information outlined below within 60 days of the date WTE Recycling receives this letter. Provide a separate response to each numbered paragraph or subparagraph below. Where possible, provide responses in an electronic spreadsheet format (preferably Microsoft Excel).

- 1) Provide the following ownership information for WTE Recycling:
 - a) Describe the ownership and business structure;
 - b) Indicate the date and state of incorporation;
 - c) List any partners or corporate officers; and
 - d) List any parent and subsidiary corporations;

PART I

- 2) Provide the following production and air pollutant emission information:
 - a) The annual quantity of scrap metal received at the Facility in 2012, 2013 and 2014;
 - b) Annual emissions (in tons per year) from the Facility of volatile organic compounds (VOCs) in 2012, 2013, and 2014;
 - c) Annual emissions (in tons per year) from the Facility of hazardous air pollutants (HAPs¹) in 2012, 2013, and 2014;
 - d) Annual emissions (in tons per year) from the Facility of particulate matter (PM) in 2012, 2013, 2014;
 - e) Annual emissions (in tons per year) from the Facility of carbon monoxide (CO) in 2012, 2013, 2014; and
 - f) The method used to calculate annual emissions, including any emission factors used and their basis.
- 3) Explain in detail how the Facility drains or removes fluids (with the exception of refrigerant²) (e.g., oils, fuels, anti-freeze) from motor vehicles prior to shredding/crushing at the Facility or prior to shipment elsewhere for processing. Specifically:
 - a) Provide copies of any standard operating procedures, employee training materials, presentations, training schedules, etc.; and
 - b) Provide all current contracts or written agreements with upstream suppliers (including the general public) regarding WTE Recycling acceptance of motor vehicles.

¹ HAPs are defined in Section 112 of the CAA at 42 U.S.C. § 7412(b)

² Note that WTE Recycling's handling of refrigerants is addressed in Part II of this reporting requirement.

- 4) Provide a current list of all liquid storage capacity at the Facility, both underground and aboveground (e.g., tanks, drums, transformers, oil-filled systems), and the type of liquid (e.g., oil, antifreeze, transmission fluid) stored in each container. Since 2010, indicate where liquids are shipped and provide any records of the amount and types of liquids shipped offsite.
- 5) Provide the following information about the two shredders used at the Facility (e.g., the primary shredder and the shredder associated with the "Mini-mill"). Include any such equipment that has been taken out of service since 2010:
 - a) The make, model, and dimensions of the shredder;
 - b) The date the shredder was purchased;
 - c) The date the shredder began operating;
 - d) The date the shredder was removed from service (if applicable);
 - e) The maximum conveyor speed and width;
 - f) The maximum throughput capacity of the shredder (in pounds of scrap per hour); and
 - g) The average annual throughput from 2010 to 2014.
- 6) For the particulate controls associated with the primary shredding operation (e.g., the primary cyclone and venturi scrubber), as well as for the secondary and tertiary cyclones, provide:
 - a) A detailed description of the system; including any diagrams; and
 - b) The control efficiency achieved by the system, as a whole, and any test data used to determine the control efficiency.
- 7) For each stationary internal combustion engine (e.g., Engine #1, Engine#2, the emergency engine, and the Mini-mill engine) provide the following details:
 - a) The model number;
 - b) The year of manufacture;
 - c) The year of purchase (date of binding contract if known);
 - d) The year of installation;
 - e) The type and quantity of fuels burned for 2010 to 2014;
 - f) The displacement value (liters per cylinder);
 - g) The maximum capacity output (in horsepower and kilowatts); and
 - h) The number of hours of operation in 2012, 2013 and 2014;
- 8) Indicate whether Engine #1 is equipped with either:
 - a) A closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere; or
 - b) An open crankcase ventilation system with a filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals.
- 9) Indicate whether Engines #2 is equipped with either:
 - a) A closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere; or

- b) An open crankcase ventilation system with a filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals.
- 10) Provide a description of the horizontal stack associated with Engines #1 and #2 including the diameter and length of the stack.
 - 11) Provide the manufacturer's design specifications of the particulate matter capture and control system on the primary shredder (i.e., the hood, Venturi scrubber and cyclone).
 - 12) For the two solvent-based degreasing units or parts washers used to clean metal parts, provide:
 - a) The make, model, capacity (in gallons) of each unit; and
 - b) The vapor pressure for the solvent used in each parts washer in the units of millimeters of mercury at 68 degrees Fahrenheit (mm Hg at 68 F).
 - 13) Provide a list of all capital expenditures greater than \$100,000, other than for on-road motor vehicles, from January 1, 2007 to the present. This list should contain:
 - a) The type of equipment, including the name of the manufacturer, model number, size of the equipment, production rate, and any other operational specifications of the equipment;
 - b) A brief description of each project;
 - c) The date the equipment was purchased;
 - d) The date the installation of the equipment was completed; and
 - e) The date the equipment began operating at the Facility.
 - 14) Provide copies of any air emission test reports and test protocols in your possession for this or any other scrap metal handling Facility.
 - 15) Provide copies of all correspondence WTE Recycling (or its predecessor) has had with state and federal environmental agencies regarding air emissions at the Facility, including copies of:
 - a) All permits issued;
 - b) All permit applications; and
 - c) Any requests for permit modifications.

PART II

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 CFR Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances (see 40 CFR §82.150(a)).

Under 40 CFR §82.156(f), persons (including but not limited to scrap metal recyclers and landfill operators) who take the final step in the disposal process of a small appliance, room air conditioning unit, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to either:

- Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 CFR §82.156(g) or (h); or
- Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered, or a contract³ providing that refrigerant will be removed prior to delivery (see 40 CFR §82.156(f)(2)). Any signed statements must be maintained on-site for a minimum of three years (see 40 CFR §§82.166(i) and (m)).

- 16) Explain in detail how the Facility processes white goods designed to contain refrigerant (e.g., air conditioners, refrigerators) prior to shredding/crushing at the Facility or prior to shipment elsewhere for processing. Specifically:
 - a) Provide copies of any standard operating procedures, employee training materials, presentations, training schedules, etc.;
 - b) Provide copies of all refrigerant technician certifications and all refrigerant recovery equipment registrations;
 - c) Describe the process of evacuating refrigerant from white goods including where the evacuated refrigerant is stored;
 - d) If refrigerant is removed prior to arrival of the white goods at the scrap yard, provide copies of all signed verification statements from January 2014 to the present; and
 - e) Provide a list of all scrap metal dealers with which WTE Recycling maintains long-standing business relationships (see footnote 3).
- 17) Explain in detail how the Facility processes motor vehicles designed to contain refrigerant prior to shredding/crushing at the Facility or prior to shipment elsewhere for processing. Specifically:
 - a) Provide copies of any standard operating procedures, employee training materials, presentations, training schedules, etc.;
 - b) Provide copies of all refrigerant technician certifications and all refrigerant recovery equipment registrations;

³ Note that it may be appropriate for a scrap metal processing facility to enter into contracts with scrap metal dealers if it maintains a long-standing business relationship with the dealers. However, written agreements with day peddlers of scrap metal must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered. (See page 46 of Federal Register / Vol. 58, No. 92 / Friday, May 14, 1993).

- c) Describe the process of evacuating refrigerant from motor vehicles including where the evacuated refrigerant is stored; and
 - d) If refrigerant is removed prior to arrival of the motor vehicles at the scrap yard, provide copies of all signed verification statements from January 2014 to the present.
- 18) Since 2010, indicate where recovered refrigerant is shipped and provide any records/receipts of the amount of recovered refrigerant shipped offsite.

Be aware that if WTE Recycling does not provide the information required in this Reporting Requirement in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

Provide the above-required information to:

Susan Studlien
US EPA Region 1
Mail Code OES04-2
5 Post Office Square Suite 100
Boston, Massachusetts, 02109-3912
Attn: Tom McCusker

If you have any questions regarding this Reporting Requirement, please contact Tom McCusker at (617) 918-1862 or have your attorney call Tom Olivier at (617) 918-1737.

Sincerely,

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship

cc: Christopher Pichette, WTE Recycling, Inc.
Saadi Motamedi, MassDEP, WERO